

Before the Board of Zoning Adjustment, D. C.

Application No. 12229, of Norman Bernstein, et. al., pursuant to Section 8207.2 of the Zoning Regulations, for a special exception to continue a parking lot, as provided in paragraph 3104.44 of the regulations in the R-5-B District, serving the Chastleton Apartments and located at the rear of 1720 15th Street, N. W. and at 1511-19 "R" Street, N. W., (Square 192, Lots 49, 50, 52, 801, 802, 806, 807, 816 and 817).

HEARING DATE: November 23, 1976

DECISION DATE: November 23, 1976

FINDINGS OF FACT:

1. The property is located in an R-5-B District.
2. The Board previously approved the use of the subject lots for parking in application Nos. 8432, 8580, 9128 and 10850.
3. The lot is used exclusively by the residents and guests of the Chastleton Apartments.
4. The parking lot is maintained free of debris, refuse and potholes.
5. The Department of Transportation has recommended approval of the application.
6. ANC-2B has recommended approval of the application subject to reservations concerning parking on a landscaped area.
7. Applicant has permitted parking on a landscaped area of the parking lot adjacent to the eastern property line.
8. Adjacent property owners and residents opposed granting the application due to parking on the landscaped area.
9. Applicants have given assurances that the parking violations complained of will be discontinued immediately and that the landscaping will be restored as soon as weather permits.

CONCLUSIONS OF LAW AND OPINION

The Board concludes that the parking lot is reasonably convenient to the Chastleton Apartments located immediately adjacent to the site. The Board concludes that the use has not resulted in any dangerous or objectionable traffic conditions, and will likely not so result in the future. The Board concludes that the present character and future development to the neighborhood will not be adversely effected. It is therefore ORDERED that this application is hereby GRANTED for a period of FIVE (5) YEARS, subject to the following conditions:

a. Permit shall issue for a period of five (5) years, but shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.

b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of materials forming an all-weather impervious surface.

c. An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.

d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

g. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

i. The appellant shall install some kind of protecting wall or rail to stop the automobiles before hitting the adjacent walls.

j. The applicant shall restore all landscaped areas as soon as weather permits and shall not permit parking upon such areas.

Permit shall not issue until all conditions of this Order are met and complied with, and further, the Board reserves the right to direct revocation of the permit upon a proper showing that any terms or conditions of this Order have been violated.

VOTE: 3-1 (Theodore Mariani, Leonard L. McCants, Esq., and William F. McIntosh; Lilla Burt Cummings, Esq., expressing her preference for a two (2) year grant).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:


ARTHUR B. HATTON

Executive Secretary

FINAL DATE OF ORDER: 3-29-77

THAT THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.